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| 10/693,005      | 10/24/2003  | John W. Forsberg     | 1023-294US01        | 9349             |

28863 7590 01/25/2010  
SHUMAKER & SIEFFERT, P. A.  
1625 RADIO DRIVE  
SUITE 300  
WOODBURY, MN 55125

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| EXAMINER |
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FLORY, CHRISTOPHER A

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| ART UNIT | PAPER NUMBER |
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3762

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| NOTIFICATION DATE | DELIVERY MODE |
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01/25/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* JOHN W. FORSBERG, MARK E. SCHOMMER, DAVID P.  
OLSON, WILLIAM C. PHILIPS, ALEX C. TOY  
and CHARLES R. LEWIS JR.

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Application No. 10/693,005  
Technology Center 3700

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Mailed: January 25, 2010

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Before Joyce Gunter-Riley, Review Team Paralegal  
Gunter-Riley, Review Team Paralegal

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on January 04, 2010. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on November 23, 2009. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to;

- 1) consider the Reply Brief filed November 23, 2009 as indicated above; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

/jgr/

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